

E-FILING

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 JUN 26 P 1:51

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
DISTRICT OF CALIFORNIA

Isidro Francisco MORA-Ayala

08-70389 PVT

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 19, 2008, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

6/26/08
Date

at

San Jose, California
City and State

Signature of Complainant

| | |
|--|----------------|
| DOCUMENT NO. | CSA's INITIALS |
| <u>1</u> | <u>e</u> |
| DISTRICT COURT CRIMINAL CASE PROCESSING | |

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Patricia V. Truelsen
Signature of Judicial Officer

RE: Isidro Francisco MORA-Ayala

A72 987 982

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Isidro Francisco MORA-Ayala, is a 35 year-old married male whose Date of Birth is currently understood to be September 12, 1973. He is a citizen and native of Mexico as substantiated by sworn statements made to that effect by the DEFENDANT on both; May 30, 1997 and May 27, 1998;
- (2) The DEFENDANT has been assigned Alien Registration number of A 72 987 982, FBI number of 215363WA9, California Criminal State ID Number of 10725207 and PFN Number DNA215;
- (3) On May 5, 1994, the DEFENDANT was convicted in the Superior Court of California/County of San Mateo, for the offenses of: BURGLARY IN THE 1ST DEGREE, a felony, in violation of California Penal Code Section 460(A) for which the DEFENDANT was sentenced to (1) year in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(G);
- (4) On September 20, 1994, the DEFENDANT was determined to be unlawfully present in the United States by the Immigration Judge, EOIR San Diego, California, and ordered removed from the United States to Mexico;
- (5) On May 28, 1998, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director, Big Springs, Texas, and, on June 5, 1998, was subsequently ordered removed from the United States to Mexico;
- (6) On September 2, 1997, the DEFENDANT was convicted in the United States District Court/Northern District of California for the offense of: ILLEGAL REENTRY AFTER REMOVAL OR DEPORTATION, a felony, in violation of Title 8, Section 1326 and sentenced to (14) months in jail;

RE: Isidro Francisco MORA-Ayala

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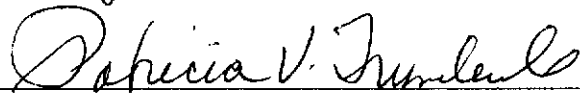
- (7) The DEFENDANT, on a date unknown, but no later than June 19, 2008, was found in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326;
- (8) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (9) On June 24, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedures. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Isidro Francisco MORA-Ayala (A 72 987 982) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical and related to Isidro Francisco MORA-Ayala (A 72 987 982).
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer

Immigration and Customs Enforcement

Subscribed and sworn to before me this 26 day of June, 2008



~~Richard Seeborg~~

UNITED STATES MAGISTRATE JUDGE